

**ATTACHMENT A****AFFIDAVIT IN SUPPORT OF SEARCH WARRANT OF ISRAEL  
ANTONIO-CRUZ FOR DNA SPECIMENS VIA BUCCAL SWABS**

I, Joshua Grout, being duly sworn, declare and state the following:

**Introduction and Agent Background**

1. I am presently assigned as a sworn law enforcement officer with Homeland Security Investigations (HSI). In that capacity, my duties include investigating federal criminal offenses in the Western District of North Carolina.

2. During my tenure as a Special Agent, I have completed hundreds of hours of instruction at the Federal Law Enforcement Training Center in Glynco, Georgia (FLETC). Prior to my tenure as an HSI Special Agent, I was a Police Officer with the Charlotte Mecklenburg Police Department (CMPD). During my time at CMPD, I worked as a patrol officer and member of the Special Investigations Bureau – Gang Unit, which investigated state and federal criminal violations of the law. I completed hundreds of hours of basic and advanced law enforcement training covering various topics. I have drafted and executed over 10 state search warrants and executed two federal search warrants, including numerous warrants for cellular phones and social media accounts. I have made over 200 arrests for various violations of state and federal crimes. Prior to my time as a CMPD Police Officer, I was a Counterintelligence Special Agent in the United States Army. During my time as a Counterintelligence Agent, I investigated violations of the Uniformed Code of Military Justice and national security crimes in Title 18 of the United States Code. I attended over 1000 hours of basic and advanced training covering various topics related to conducting national security/ terrorism and cyber investigations. The statements set forth in this Affidavit are based upon my training and experience, consultation with other experienced detectives and agents, and other sources of

information relative to gang investigations. The information contained in this Affidavit is based upon my personal experience, as well as information and observations provided by other officers both orally and in reports. Unless specifically indicated otherwise, all conversations, statements, and other information described in this Affidavit are relayed in substance and in part only and are not intended to be direct quotes. This Affidavit is submitted solely to establish probable cause for the requested Search Warrant and does not purport to set forth all of my investigation or my knowledge about this matter. This Affidavit is submitted in support of an application to obtain a Search Warrant authorizing the collection of Deoxyribonucleic acid (“DNA”) samples from ISRAEL ANTONIO-CRUZ, by collecting buccal swab samples according to the standard practices and procedures employed by Homeland Security Investigation, Federal Bureau of Investigation and Charlotte Mecklenburg Police Department crime laboratory for DNA testing. As set forth, your Affiant believes that sufficient facts exist to support a probable cause finding that evidence is relevant and material to the investigation of violations of 18 U.S.C. § 922 (g)(1)(unlawful possession of a firearm by a convicted felon) and 18 U.S.C. § 922 (g)(5)(unlawful possession of a firearm by an alien).

### **Facts Establishing Probable Cause**

3. On or about February 19, 2022, CMPD detectives and officers and HSI agents were conducting an operation related to recent incidents involving the Mara Salvatrucha (MS13) gang at nightclubs in the CMPD Eastway Division. Before this operation detectives had met with a civilian on February 9 and 17, 2022, regarding recent problems with suspected MS13 members fighting, causing disturbances, extorting other persons and trafficking in narcotics. The suspected members were known to frequent several different clubs, and detectives were given a photograph of a North Carolina 30-day registration plate displaying 26044860 on a gray Dodge

vehicle. That vehicle was alleged to be one of vehicles the MS13 members use for traveling.

4. Detectives and Agents conducted surveillance at a nightclub located at 2843 Eastway Drive in Charlotte. Detectives observed a gray Dodge Journey, displaying the same tag as listed above, arrive at the night club. Two subjects in the vehicle went inside the club.

5. At approximately 0357 hours on February 19, 2022, detectives received information from a person that an occupant in the gray Dodge Journey was wearing a blue shirt and jeans, which matched the description of an occupant detectives observed exit the gray Dodge Journey. Detectives then observed the two occupants leave the night club and enter the gray Dodge Journey. CMPD Officers made voluntary contact with the individuals inside of the vehicle and observed two open containers of alcohol. Officers asked the driver and front seat passenger, later identified as Israel ANTONIO-CRUZ, DOB: 02/01/1989, to exit the vehicle. When ANTONIO-CRUZ exited the vehicle, Officers observed an Altoids mints container between ANTONIO-CRUZ's legs on the passenger seat of the vehicle. Officers also observed a SCCY CPX-1 9mm handgun, serial number 422497, in the passenger door pocket when ANTONIO-CRUZ exited the vehicle.

6. The detectives seized the firearm found in the door pocket next to ANTONIO-CRUZ and placed it into CMPD Property Control. It will be swabbed for DNA and fingerprint testing, using any known standards obtained by the CMPD Crime Laboratory.

7. On or about September 29, 2016, ANTONIO-CRUZ pled guilty to unlawful reentry into the United States, in violation of 18 U.S.C. § 1326(a), in the District of South Carolina. He was sentenced to "time served" and one year of supervised release. Since that conviction, he has not sought or received the advanced express consent of the Attorney General or Homeland Security Secretary to return lawfully to the United States.

8. ANTONIO-CRUZ is currently located within the Western District of North Carolina and is incarcerated at the Mecklenburg County jail. He has been charged via Criminal Complaint (3:22MJ91-DSC) with illegal reentry by an alien, in violation of 18 U.S.C. § 1326(a)(1).

**Conclusion**

9. Based on the above, I respectfully assert that sufficient facts exist to support a probable cause finding that support the issuance of a search warrant authorizing the collection of buccal swabs from the mouth of ISRAEL ANTONIO-CRUZ (as described in Attachment B) to obtain DNA specimens (as described in Attachment C) for comparison to swabs obtained from the firearm seized in this investigation.

RESPECTFULLY SUBMITTED,

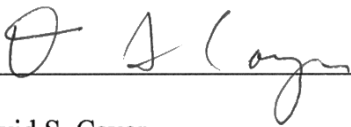
**/s/ Joshua Grout**

Joshua Grout, Special Agent  
Homeland Security Investigations

*AUSA Kenneth Smith has reviewed this Affidavit.*

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 4th day of March, 2022, at 2:51 pm.

Signed: March 4, 2022

  
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David S. Cayer  
United States Magistrate Judge



## **ATTACHMENT B**

The place to be searched is the following physical specimens:

- buccal swabs from the mouth of ISRAEL ANTONIO-CRUZ

### **ATTACHMENT C**

The property to be seized is the following:

- DNA specimens obtained from buccal swabs from the mouth of ISRAEL ANTONIO-CRUZ